

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATHANIEL D. COULSON

Plaintiff,

v.

VINCENT MOONEY, ET AL.,

Defendants.

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ORDER OF COURT

This petition by Nathaniel D. Coulson pursuant to 28 U.S.C. § 2254 was referred to United States Magistrate Judge Susan Paradise Baxter for a report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Local Rules 72.1.3 and 72.1.4.

Now pending before the Court is a MOTION TO DISMISS FOR LACK OF TIMELY FILING AND/OR FOR FAILURE TO EXHAUST STATE COURT REMEDIES (ECF No. 9) filed by Defendants. On February 11, 2015, Magistrate Judge Baxter issued a nine-page Report and Recommendation (“R&R”) which recommended that the motion be GRANTED. The deadline for filing Objections to the R&R was March 2, 2015. No Objections have been filed.

AND NOW, this 4th day of March, 2015, upon consideration of the MOTION TO DISMISS FOR LACK OF TIMELY FILING AND/OR FOR FAILURE TO EXHAUST STATE COURT REMEDIES (ECF No. 9); and the thorough and well-reasoned R&R of Magistrate Judge Baxter, it is hereby **ORDERED, ADJUDGED, and DECREED** that said motion is **GRANTED**. The R&R is adopted as the opinion of the Court.

Petitioner's claims are hereby **DISMISSED WITH PREJUDICE** as untimely. Petitioner has fallen far short of his burden to demonstrate "actual innocence." Leave to amend the petition shall not be granted, as any attempt to state a valid claim would be futile. No certificate of appealability shall issue. The clerk shall docket this case closed.

BY THE COURT:

s/Terrence F. McVerry
United States District Judge

cc: **NATHANIEL D. COULSON**
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Via US Mail

All counsel of record
Via CM/ECF